

THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CRAIG RANCH COMMUNITY	§	
ASSOCIATION, INC. D/B/A	§	
SETTLEMENT TOWNHOMES AT	§	
CRAIG RANCH,	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO. 4:17-cv-00817
	§	
v.	§	
	§	
PELEUS INSURANCE COMPANY,	§	
	§	
Defendant.	§	

DEFENDANT’S NOTICE OF REMOVAL

Defendant Peleus Insurance Company files this Notice of Removal under 28 U.S.C. Section 1446(a) and respectfully states.

I.
INTRODUCTION

1. Plaintiff Craig Ranch Community Association, Inc. d/b/a Settlement Townhomes at Craig Ranch (“Plaintiff”) commenced this lawsuit on October 20, 2017 by filing Plaintiff’s Original Petition in the 199th Judicial District Court of Collin County, Texas – Cause No. 199-05087-2017.

2. Plaintiff’s Original Petition, which includes a jury demand, names Peleus Insurance Company (“Peleus”) as the only defendant in this action.

3. Peleus accepted service of Plaintiff’s Petition on October 30, 2017 and, therefore, files this Notice of Removal within the 30-day time period required by 28 U.S.C. Section 1446(b).

4. Venue is proper in this district under 28 U.S.C. Section 1441(a) because the state

court where the action is pending is located in this District.

II.

BASIS FOR REMOVAL

5. Removal is proper under 28 U.S.C. Section 1332(a) if there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest, costs, and attorneys' fees. These two conditions are clearly satisfied in this matter.

A. Removal is Proper Because Complete Diversity of Citizenship Exists Between Plaintiff and Peleus.

6. As set forth in Plaintiff's Petition, Plaintiff is a corporation organized under the laws of the State of Texas with its principal place of business in Texas.¹ Plaintiff is thus a citizen of Texas for purposes of this Court's diversity jurisdiction.

7. Defendant Peleus is an insurance company incorporated in the State of Virginia with its principal place of business in Virginia. Peleus is thus a citizen of Virginia for diversity jurisdiction purposes.

8. Because Plaintiff is a citizen of Texas and Peleus is a citizen of Virginia, there is complete diversity between the parties for purposes of this Court's diversity jurisdiction.

B. Removal is Proper Because Plaintiff's Claimed Damages Exceed This Court's Jurisdictional Threshold of \$75,000.

9. If it is facially apparent that Plaintiff's claims in this suit exceed \$75,000, exclusive of interest, costs, and attorneys' fees, Peleus' burden to establish the amount in controversy exceeds this Court's jurisdictional threshold is satisfied.²

10. Here, Plaintiff's Petition states that Plaintiff seeks to recover damages in excess of

¹ See Plaintiff's Petition at ¶2.01.

² *Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1999).

\$1,000,000 via this lawsuit.³ It is thus facially apparent that Plaintiff's claims exceed this Court's jurisdictional threshold of \$75,000.

III. **CONCLUSION**

11. Because there is complete diversity between the parties and the amount in controversy exceeds \$75,000 (excluding interest, costs, and attorneys' fees), removal of this action is proper under 28 U.S.C. § 1332(a).

12. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be filed with the clerk of the District Clerk of Collin County, Texas after Peleus' filing of the Notice of Removal in this Court.

13. As required by 28 U.S.C. § 1446(a), and Local Rule CV-81, a copy of each of the following are attached to (or filed with) this Notice of Removal:

- a. a list of parties in the case and their party type, attached hereto as Exhibit A;
- b. a civil cover sheet, attached hereto as Exhibit B;
- c. a copy of the state court docket sheet, attached hereto as Exhibit C;
- d. a copy of Plaintiff's Original Petition, attached hereto as Exhibit D;
- e. Defendant's Answer to Plaintiff's Original Petition, attached hereto as Exhibit E;
- f. a list of attorneys involved in the action, attached hereto as Exhibit F;
- g. a record of which parties have requested trial by jury, attached hereto as Exhibit G; and
- h. the name and address of the court from which the case is being removed, attached hereto as Exhibit H.

14. Pursuant to 28 U.S.C. § 1446(d), Peleus will provide prompt written notice of the

³ See Plaintiff's Petition at ¶1.01.

filing of this Notice of Removal to all adverse parties.

WHEREFORE, Defendant Peleus Insurance Company requests that this action be removed from the 199th Judicial District Court of Collin County, Texas, to the United States District Court for the Eastern District of Texas, Sherman Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

ZELLE LLP

By: /s/ James W. Holbrook, III

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that, on November 21, 2017, a true and correct copy of the foregoing document was served upon all known counsel of record pursuant to the Federal Rules of Civil Procedure as follows:

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